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RICHMOND, VA., TUESDAY, FEBRUARY 8, 1910.

THE WEATHER TO-DAY—Fair.

PRICE TWO CENTS.

## COUNCIL WHACKS MILK BILL PATRON

Reade Brands Throckmorton Measure as Spitework.

## REAL MENACE TO HEALTH OF PEOPLE

By General Consent Ordinance Providing for Union of Cities Goes Over to Special Meeting Friday Night—Higher Salaries Granted Many Employees.

On the ground that the Throckmorton Dairy bill, now pending before the Legislature, is an "outrage" and a "piece of deliberate spite work," the Common Council last night adopted unanimously a resolution characterizing the measure as a distinct menace to the health and lives of the citizens, and as an abrogation of the right of the city for local self-government.

By the resolution City Attorney Pollard is instructed to protest before the committee of the General Assembly having the matter in charge against the passage of any measure which will interfere with the work now done by the city for the control and inspection of dairy farms shipping milk into the city.

Adoption of the Cowardin agreement, which will open up for building purposes in the East End a track of about forty acres now in the city limits, and of a series of ordinances regulating vehicles requiring brakes and wide tires, together with a long list of salary increases, declared by one member to be the opening gun for the councilmanic election this spring, carried the Council until late in the night.

Consolidation on Friday. Shortly before midnight the report of the special Committee on Consolidation of Richmond and Manchester was reached, and on motion of a member of the committee was tabled until Friday night, when a special session will be held for its consideration. The belief was expressed that the votes were present to pass the measure last night, but on account of the lateness of the hour, and out of courtesy to the residents of Petersburg, who were in the city, and to a number of members who desired to speak, the ordinance was allowed to go over.

The resolution regarding the milk supply of the city was offered on the roll call by Dr. Reade, who said he desired to put the measure before the council as a "spitework" bill, which could not be regarded other than as an "outrage" and outcropping of personal spite. The rules were suspended and the resolutions adopted by a unanimous vote.

Ills Throckmorton Bill.

The paper follows in full:

"Whereas, in the exercise of the powers conferred upon them by the charter of the city of Richmond, the Council of the said city of Richmond has created a Board of Health with the authority for the prompt and efficient performance of its duties; and

"Whereas, the said Board of Health has, in the exercise of its authority, greatly promoted the health of the city by its diligent and efficient work in improving the sanitary quality of the milk supply of Richmond by means of inspection and control of dairy farms; and

"Whereas, a bill now pending before the General Assembly of Virginia, known as the Throckmorton Dairy bill, would, if enacted, greatly impair the effective operation of this work and would necessarily take from the people of the city of Richmond the right to control their own affairs in a matter in which such power is specifically conferred on their City Council under the charter of the city of Richmond; therefore, be it—

"Resolved, That the Common Council of the city of Richmond do hereby earnestly urge the rejection of the Throckmorton Dairy bill as a distinct menace to the health and lives of the citizens of Richmond and as a precedent which, once established, would easily lead to entire abrogation of the rights and privileges of the municipalities of Virginia in the matter of local self-government of their own affairs.

"Resolved, That the City Attorney of the city of Richmond be, and he hereby is, instructed to present the foregoing preamble and resolution before the committee of the General Assembly having this matter in charge."

Regulate Cold Storage.

On the roll call Mr. Unkoff offered an ordinance to regulate the collection of city taxes, which was referred to the Committee on Ordinances, Charter and Reform, as was a measure offered by Mr. Lynch to create the office of superintendent of the City Hall, and one offered by Mr. Hirschberg to regulate the keeping of food supplies in cold storage within the city limits. Mr. Richards called from the table and fought vigorously for the adoption of a resolution providing for the grading of Thirty-first Street from Broad to Grace, and of Grace from Third to First. Mr. Hirschberg, who had introduced the measure, said that the Council had not been informed of the cost; that it might necessitate expensive retaining walls and damages to abutting property owners, and it was finally referred to the Finance Committee. Mr. Pollock offered an ordinance amending the provisions of the Richmond and Henric Railway between Church Hill and Fulton, which was referred to the Committee on Streets.

Mr. Lynch called from the table and after a vigorous fight secured the adoption of a resolution ratifying an agreement between the city and S. P. Cowardin for the opening of streets and alleys in the tract bounded by Third, Fourth, Thirty-ninth, O and Leigh Streets. Cowardin agrees to give the land for streets and alleys, and to release the city from damages from grading, the city agreeing to grade certain of the streets within a period of five years. It was declared to be an open invitation for building purposes. Mr. Davis called for a "speculative land boom scheme," but on the roll

## KENTUCKY'S CREW LANDED

Men Who Narrowly Missed Death Put Ashore at Key West.

Key West, Fla., February 7.—The members of the crew of the ill-fated steamship Kentucky were landed here today by the Alamo, of the Malbury Line, which, Friday rescued them from a watery grave off the Carolina coast a short while before the Kentucky sank. With the exception of Captain Moore, Purser Wentworth and Wireless Operator McGinnis, the men have returned to New York.

"Providentially, upon the appearance of the Alamo, which rushed to our assistance immediately upon receipt of our wireless call, the wind and sea moderated and the transfer of the crew of the Kentucky was made in the assistance of the boats of the Alamo," said Captain Moore. "Six trips were made from ship to ship without the slightest mishap, but if the wind had not subsided necessarily some of the Kentucky's crew must have met a watery grave. Most all of the personal effects of the men were saved, and at 7 o'clock a shore wharf after we had been transferred, the Kentucky went down."

Captain Moore and his men warmly praise Captain McIntosh, the crew and passengers of the Alamo. The latter gave up their berth Friday night to the Kentucky's crew, who were well-nigh exhausted after two days' battle with heavy seas.

## CARNIVAL KING ACCLAIMED

Record-Breaking Crowd Cheers "Rex" at Mardi Gras.

New Orleans, La., February 7.—Hailing "Rex, King of the Carnival," New Orleans to-day approached the climax of Mardi Gras festivities. The sirens of innumerable river craft and the cheering of thousands of people gathered on shore sent up a welcome to the approaching monarch as he landed from his royal yacht. The formality of turning over the keys of the city to him and his parade, attended by military and civic escort, through the principal streets of the city was witnessed by thousands of cheering spectators.

Every train into the city, including many specials, brought hundreds of visitors to-day. It is believed that the Mardi Gras attendance is the largest on record.

A pageant and ball of Proteus tonight was a most brilliant affair. Tomorrow the parade and ball of Rex will be given, followed at night by the pageant and ball of Comus.

## MORE GRAFT IN PITTSBURG

Bankers and Councilmen Are Indicted for Perjury.

Pittsburg, Pa., February 7.—True bills were returned by the grand jury to-day, charging conspiracy, bribery and perjury against President C. H. Jennings and former Vice-President E. A. Griffin, of the Columbia National Bank; former Select Councilman Chas. Stewart, County Delinquent Tax Collector Max Leslie and F. P. Nicoli, a capitalist.

Indictments were found upon a conspiracy alleged to have been made by Griffin to the grand jury, which has been probing the councilmanic graft scandals in this city for a year.

The present cases involve the alleged payment of bribes to Councilmen in 1908 to secure their vote for an ordinance designating city depositories of which the Columbia National Bank was one.

Jennings and Griffin were the principal witnesses before the grand jury.

## RESULT OF 1907 PANIC

Smelting Company, Capitalized for \$2,000,000, Fails.

Joplin, Mo., February 7.—A. B. Cockrell, president of the Cockerill Smelting Company, one of the largest zinc smelting concerns in the United States, stated to-night that the bondholders have been in practical control of the company for the last four days and that he expects a new assignment will be made to-morrow.

The National Bank of Commerce, of St. Louis, and George E. Nicholson, of Kansas City, who hold bonds issued by the company to the extent of \$1,200,000, have been in charge of the company's properties for several days. The company owns smelters in Altona, Bruce, Gas City, LaHarpe and Pittsburg, Kan., and in Nevada, Mo.

Failure to recover from the effects of the 1907 panic, together with the present situation, are given as reasons by Mr. Cockrell for the present state of the company's financial affairs. The company is capitalized at \$2,000,000.

## COURT DENIES MOTION

District Attorney Seeks to Have Case of Calhoun Dismissed.

San Francisco, Cal., February 7.—Superior Judge Lawrence to-day denied a motion to dismiss the case of Patrick Calhoun, president of the United Railroads, who is accused of offering a bribe to a supervisor to vote for a trolley franchise, and ordered that the trial, which was interrupted by the illness of the defendant, be resumed next Monday. The district attorney, who moved for dismissal, declared that on account of missing witnesses and the insufficiency of evidence already introduced he was convinced a conviction could not be secured.

Motions to dismiss indictments against three former and William Abbott, counsel for the United Railroads, and against Thorne Mully, assistant to President Calhoun, charged with bribery, also were denied by Judge Lawrence.

## General Wood in Hospital.

Baltimore, Md., February 7.—Major-General Leonard Wood, U. S. A., is a patient at a local hospital where he is undergoing treatment for an old injury to his head. He has not been operated upon, it was said, and cannot be told at this time whether an operation will be necessary. He was said to be doing well, and this afternoon was sitting up.

Notwithstanding the denial of the hospital authorities that an operation had been performed upon General Wood, it was learned from an unimpeachable, though unimpeachable, authority that an operation was performed last Saturday. That it was not a very serious one, however, was indicated by the fact that the patient was able to sit up to-day. Nothing could be learned as to the nature of the operation.

## More Chaplains Wanted.

Washington, D. C., February 7.—A chaplain for every life-saving station is the object of a bill introduced to-day by Representative Small (Democrat), of North Carolina. The duty of such chaplains is to be designated by the services on Sunday, which shall be non-denominational, visit the sick, and minister to shipwrecked persons.

## STATE CAN HELP HOME FOR GIRLS

Williams Concedes That Bill Does Not Violate Constitution.

## ANOTHER HEARING ON DIVORCE LAW

Measure Goes Back to Committee After Hard Fight in House—Fertilizer Bill Warmly Debated. Senate Has Busy Session.

Conceding that the Baker bill extending state aid to the proposed home for wayward girls is probably constitutional, and giving it the benefit of the doubt, Judge Martin Williams said last night he would interpose no further objection to its passage. This attitude is the result of the application to the bill of section 57 of the Constitution, which, while forbidding appropriation of public funds to institutions controlled in any manner by a church or sectarian society, makes an exception in favor of non-sectarian institutions for the reform of youthful criminals.

Referring to the financial situation, Judge Williams said that inasmuch as the bill has the endorsement of the Finance Committee, which is presumed to be fully acquainted with the resources of the State, he would withdraw his opposition to the appropriation. It is now expected that when the bill comes up on its final passage to-day it will be passed.

Over the protest of members of the Committee on Courts and Justice, the House yesterday, by a vote of two to one, sent the divorce bill back to the committee for further investigation and to hear the arguments of those who decided to oppose it.

The debate on the motion to recommend consumed one hour of the time of the House. The motion was opposed by Chairman Roosevelt, Page, of the Courts Committee. A public hearing on the question will be held to-morrow night in the courtroom of the State Corporation Commission, when all of those who desire to be heard will be given an opportunity to speak.

Mr. Page argued that the opposition came from those who did not understand the provisions of the bill, and he cited some ridiculous mistakes made by prominent ministers, urging members of the House to vote against the bill. He said that the present law provides all sorts of immorality, and that the proposed change was a matter of right and of simple justice to everybody.

On the other hand, Messrs. Cooke and Zimmer, who led the forces of the opposition, contended that the bill was a dangerous departure from existing standards, and would promote desertion and tend to break up the homes. Their belief that the bill had not received due consideration in committee caused their earnest advocacy of commitment, so that its opponents might be heard. They argued for a new hearing, and their plea was looked upon favorably by a majority of the members.

## Another Bill Sent Back.

The bill providing for additional counsel to prosecute the State debt came up on its second reading in the House, and was recommitted to the Committee on Finance. Chairman Evans said that he had no objection to this action. It is understood that some parties desire to appear against the bill on the ground that the State had previously agreed not to spend money for this purpose, but to allow the expense to be borne by the holders of certificates.

One more important bill got a hearing in the House. It was that of Mr. Adams, at the instance of the State Board of Agriculture, providing for ten instead of six fertilizer inspectors, and increasing the salaries of these officials. In spite of the fact that the money for this purpose comes from the fertilizer tax, considerable opposition was aroused, and Judge Williams took occasion to speak his mind regarding the expenses of sundry State departments, which, he said, were spending too much money under the plea that the people were not footing the bill.

No bills were finally passed in the House, several Senate bills being advanced.

Routine in Senate.

The Senate had a dose of the same sort which the House has been swallowing for a week—routine work. Three minor House bills were passed, and a bunch of bills, both Senate and House, were advanced on calendar.

An afternoon session was held, at which a long string of Senate bills passed their first reading.

It is considered likely that the first public hearing on the Strode liquor bill will be held on Wednesday of next week before the Senate Committee on Privileges and Elections. The date has not, however, been finally set. No such bill has as yet appeared in the House.

Coca cola may be taxed if Speaker Byrd has his way. Before the House Committee on Finance yesterday, he advocated a tax on the festive drink, which may put it out of business in some of the smaller fountains. It was stated that one Richmond merchant sells \$5,000 worth of it in one year.

## Taxing Incomes.

One of the most important House bills which has yet reached the calendar was reported yesterday from the Finance Committee. It is that of Mr. West, of Nansemond, comprising a plan by which its patron believes that incomes can be fairly and fully assessed. A few minor amendments were made in committee, but the principal features are intact, making the taxpayer fill out a separate blank when he files his income and itemizing his resources from all investments and earnings. Grand juries are required

## And on Sunday.

Paymaster Auld, who followed, said that Dr. Robnett did not follow, said (Auld's) purpose when he called Dr. Cowles from the dance, and that he used Dr. Robnett's name without the latter's knowledge.

Then Dr. Robnett took the stand in his own defense. He admitted that he asked Dr. Cowles by telephone if he

## Flashes Diamond in Eyes of Court.

Miss Hesler Testifies She Is Engaged to Dr. Robnett.

Boston, Mass., February 7.—Resentment of the attentions of a civilian to his fiancée, Miss Dorothy Hesler, of Evanston, Ill., was the basis of the defense of Dr. A. S. Robnett at his court-martial trial to-day over the episode at the naval dance at the Charlestown Navy Yard on December 11 last. Dr. Robnett's trial to-day, which was on charges of conduct unbecoming a gentleman and profanity, lasted four hours. Much of the interest had been focused by the testimony at the trial of Paymaster George P. Auld last week on charges growing out of the same incident.

The trial was simplified also by the admission of Dr. Robnett that he did use objectionable language when he called Dr. J. S. Cowles, the elected civilian, to account for his attitude toward Miss Hesler. Dr. Cowles, who was again on the stand, denied that he attempted to make clanging appointments with the young woman, and in this he was substantiated by his wife. She also supported him in regard to Dr. Robnett's words over the telephone, which formed one of the charges.

## Flashes Her Diamond.

Then Miss Hesler took the witness stand, and, flashing a diamond ring in the eyes of the court, declared that she had been engaged to Dr. Robnett since November, and that Dr. Cowles not only tried to meet her but wanted to end her devotedness. Miss Hesler said that she appealed to Dr. Robnett to save her from Dr. Cowles, and that the incident followed.

To-morrow there will be arguments, and by Wednesday the finding of the court will be sent to Washington.

## Will Wage Fight on Harmon.

Washington, D. C., February 7.—The Federal incorporation bill, which was introduced in Congress to-day, is not to be pressed for passage at this session. If the bill should be passed, President Taft has stated his willingness to stand as its sponsor and to take the responsibility for having recommended it.

Further than this the President told several callers to-day that he would not make the incorporation bill an administration measure. He declared he felt he had no right to do so, and that it did not rank with the proposed amendments to the interstate commerce law, the postal savings banks and the measures designed for the conservation of natural resources. These latter were promised in the party platform on which the President was elected, and he felt that the party is responsible for their passage at this session of Congress.

## TAFT WILL STAND SPONSOR FOR BILL

Has Implicit Confidence in Worthiness of His Corporation Measure.

## WILL NOT PRESS PASSAGE

Wall Street Interests Are Far From Pleased With Its Provisions.

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## No "Influence" Proposed.

President Taft believes that there are many things in the incorporation bill which will commend themselves to the legislators as they study the measure. He will not attempt to influence Senators or Representatives in its favor, however. The bill now goes to the Judiciary Committee of Congress for perusal and consideration.

Wall Street interests, inclined at first to look upon the idea of a Federal charter with the utmost favor, were rather rudely awakened when it was learned that the President would insist that in any bill passed on this subject there should be included the provision that nothing in the act should be construed as exempting corporations from the operation of the anti-trust act. A great many corporations, it is said, were looking forward to a Federal charter as an indication that past sins were forgiven, provided there were no more transgressions in the future.

## Frank A. Vanderbilt and George W. Perkins.

Perkins, of New York, who saw the President last week, told him that the corporate interests were anything but pleased with the character of the proposed measure, and that few if any corporations would take advantage of the act.

Taft Makes Retort.

The President is understood, retorted that the act was a voluntary one, and that the corporations which did not care to come under Federal control were not late today. After drafting the City Park race course a number of times he turned his machine, a Panhard airplane, to the west and made a journey to Lake Pontchartrain and return, a distance of four miles. He attained a maximum height of about 600 feet.

## Paulhan Makes Flight.

New Orleans, February 7.—Louis Paulhan made a flight of twenty minutes' duration here to-day, after circling the City Park race course a number of times he turned his machine, a Panhard airplane, to the west and made a journey to Lake Pontchartrain and return, a distance of four miles. He attained a maximum height of about 600 feet.

## Will Wage Fight on Harmon



Wade H. Ellis, famous trust buster, who has resigned from Department of Justice to lead campaign against Democrats in Ohio.

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## CIVIL WAR ISSUES ARE DRAGGED OUT ON SENATE FLOOR

Heyburn Makes Vicious Attack on South's Part in Strife.

## OBJECTS TO HONOR FOR ROBERT E. LEE

Idaho Man Seeks to Prevent Use of Government Tents by Confederate Veterans, but His Voice Is Only One Raised in Protest.

Washington, D. C., February 7.—Protesting against loaning government tents for the use of the Confederate veterans at their annual reunion in Mobile, Ala., next April, Senator Heyburn, of Idaho, in the Senate, late to-day, made the sharpest comment upon the issues of the Civil War that has been heard in Congress in twenty years.

He inveighed against men in "rebel" uniform being permitted to occupy government property or the "rebel" flag being allowed to float above it. Finally, he drifted into the question of honoring men by placing their statues in the Congressional Hall of Fame, and by unmistakable inference condemned the action of Virginia in sending the statue of General Robert E. Lee to Washington.

## One Vote Against It.

"By roll call" shouted a dozen or more Senators, and hands went up in second of that request from every part of the Senate Chamber. When the vote was had on the tent loaning measure, all of the Democrats and all of the Republicans, except Mr. Heyburn, voted for it. His negative vote was uttered in a loud and defiant tone. This measure was reached near the close of the session. Mr. Heyburn was prompt to raise an objection, and Mr. Bankhead just as alert in moving the consideration, regardless of the objection.

## It Immediately Was Evident That the

objection aroused some feeling, for with flushed face and animated voice, Mr. Bailey declared that if this measure was to be ruled out of order, no other business could be transacted.

The Bankhead motion being undebatable, the Senate immediately proceeded to an aye and no vote on the question as to whether the resolution should be taken up, and it was adopted unanimously, Mr. Heyburn himself refraining from voting.

## With the resolution adopted, Mr.

Heyburn took the floor, made a speech, in which he went over many of the issues of the war, and declared himself as much a patriot now as he had been in 1862-64.

Decide on No Reply.

The Southern Senators held a hurried consultation, while the Idaho Senator was proceeding, and decided to make no reply, but allowed the question to go to a vote.

## It so chanced that Mr. Heyburn's

colleague, Senator Borah, of Idaho, was the first of the Republicans to be reached in the roll call. He voted in favor of the adoption of the resolution.

This resolution refers in terms to a Confederate veterans' reunion at a specified time. Mr. Heyburn said: "and it purports that the government of the United States in recognition of its purpose shall loan the property of the United States to the rebels, and he charged with bad faith, when I say that I have to-day inquired from a Senator who is interested in this measure, whether or not on this occasion the men engaged in this celebration would wear the rebel uniform, and his reply was in affirmative terms."

## He then asked further, if the rebel

flag was to be carried over this property of the United States, and he replied that both the rebel and the Union flags were always carried at these reunions.

Mr. Heyburn then said that while he did not want to open the wounds of the War of the Rebellion, he still thought the South had made a great mistake in that war. He had been told that the government was in the habit of making such loans to the Grand Army of the Republic, and he thought that if the South was the cause, because the Grand Army was composed of men who had fought on the side of the Union, "and their cause was a glorious and honorable one."

## "Do you expect," he said, "going back

to the contrast of the Grand Army of the Republic with the Confederate veterans, that those who gave their support to the Union cause would sit idly by and say nothing when those issues are raised? They are none the less patriotic now than they were in 1862-64. Could they be less patriotic and can they complacently permit the subject of the war to become a fest in